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**2016/1122**

**Applicant:** JDA Associates Ltd, C/o Mr J D Alderson

**Description:** Erection of 3 no. residential dwellings.

**Site Address:** 31 Roman Road, Kexbrough, Barnsley, S75 5DE

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8 Letters of objection have been received from local residents. Cllr Burgess has expressed concerns regarding the proposed development and has requested that it is determined by Councillors.

### **Description**

The application site is currently used as the rear garden area of number 25 Churchfield Lane which runs to the rear of number 27 Churchfield Lane. The garden has been well maintained over the years and is mostly laid to grass. Two larger trees have been removed prior to the submission of the application

The site is set adjacent to Manor Court Care Home and to the rear of properties on Roman Road and Kexbrough Drive. An additional piece of land has been purchased by the applicant which is set to the rear of number 29 Churchfield Lane. Number 31 Roman Road is also included within the application site and part of this site would be used in order to gain access.

The surrounding area consists of detached dwellings of bungalows, chalet bungalows and two storey dwellings set within spacious plots.

### **Proposed Development**

The application proposes a residential development of 3 detached dwellings. The properties are symmetrical in appearance, of 2 storeys in height and side attached single storey garages. The properties have 4 bedrooms at first floor and a kitchen, dining, lounge and utility at ground floor.

Plots 1 and 2 are sited facing towards the south and plot 3 faces to the east with some habitable room windows facing over the main garden area to the north. Each dwelling has a private garden area and small front landscaped gardens, with parking areas set in front of each side attached garage.

The access to the dwellings is located between number 31 and 33 Roman Road. In order to allow for access to the site a portion of garden/driveway to number 31 Roman Road is to be used for the access road, and a small portion of the attached flat roof garage to number 31 is to be demolished and made good. Parking to number 31 is to be provided within the front garden. A blocked paved bin collection area is allocated adjacent to the access.

Approximately 10m of rear garden area is retained for number 25 Churchfield Lane. The outer boundaries of the site are to be defined by 1.8m high close boarded panel fencing.

### **History**

2015/0583 – Residential development of 5 dwellings comprising of 2 pairs of semi-detached 2½ storey dwellings and 1 detached dwelling.

This application was refused on the 9<sup>th</sup> September 2015 for the following reasons:-

*1) In the opinion of the Local Planning Authority, the proposed layout and design of the development is at odds with the form and layout of the existing street scene. The design, scale and layout of the properties are out of character with neighbouring properties and therefore the scheme represents poor design that fails to take the opportunities available to improve the character and quality of the area and the way it functions. As such the proposal is considered contrary to the NPPF, Core Strategy policy CSP29, and the Council's Supplementary Planning Document "Designing New Housing"*

*2) In the opinion of the Local Planning Authority, the proposal would result in the over-development of the site, in that in particular all plots are sited close to the boundaries with existing residents and the scale of the properties put forward would result in an overbearing impact on existing residents impacting adversely on their amenity and privacy. In addition the increase in residential activity, noise and disturbance to the rear of these neighbouring properties would be detrimental to residential amenity. Therefore the proposal is considered contrary to saved UDP Policy H8D and the Council's Supplementary Planning Document "Designing New Housing".*

The applicant later appealed the decision and the application was dismissed at appeal on the 1<sup>st</sup> July 2016.

## **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

## Saved UDP Policies

### UDP Housing Policy Area

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy, landscaping and access arrangements.

H8D – Planning permission for infill, backland or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

### Core Strategy

CSP 26 – New Development and Highway Improvement  
CSP29 – Design  
CSP36 - Biodiversity

### SPDs/SPGs

SPD 'Designing New Housing Development'

SPD 'Parking'

### Other material considerations

South Yorkshire Residential Design Guide - 2011

### NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

### **Consultations**

Drainage – No objections subject to conditions

Regulatory Services – No objection subject to conditions

Highways – No objections subject to conditions

Tree Officer – No objections subject to conditions

Ward Councillors - Cllr Burgess raised concerns due to the impact on residential amenity.

### **Representations**

Cllr Burgess raised concerns due to the impact on residential amenity and requests that the application is taken to the Planning Board for decision.

8 objections have been received from neighbouring residents which raise the following concerns:-

- Traffic noise and general disturbance to existing residents
- Lack of parking provision and the potential for overspill onto Roman Road
- The absence of a footway pedestrian access into the site
- Refuse lorries would not be able to access the site, resulting in them being positioned on the bend in Roman Road
- Visibility at the entrance is poor due to conifer trees
- Additional lighting in the site would impact residents at night
- Loss of outlook
- The applicant has already removed a number of trees and the impact of this on habitat and wildlife, impact on existing trees
- Plot 3 is stated to not meet the SPD minimum spacing standards
- Loss of sunlight to home and garden
- Impact on poor drainage system
- Loss of privacy and increased security risk
- The design, layout and spacing of the development is not in keeping with the area.
- Overdevelopment

#### Other non-material considerations

- Impact on residents during construction works, construction vehicle parking, noise, disturbance
- Impact of the proposal on the elderly residents
- Land ownership of area for bin storage

### **Assessment**

#### Principle of Development

The site lies within a Housing Policy area where infill residential development is normally considered an acceptable form of development providing it meets the Council's spacing standards, does not have a negative impact upon residential amenity, is of an appropriate design and does not cause significant highways issues. In principle the development is located within a sustainable location and the development of the site for residential purposes is considered to be acceptable and land use planning policy terms.

#### Residential Amenity

The Supplementary Planning Document 'Designing New Housing' provides guidance in terms of separation distances, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. As with all infill residential developments, it is recognised that there will be some impact on the residential amenity of existing residents. In this case residents of adjacent dwellings have enjoyed a pleasant outlook over a mature large garden for a number of years. It is not unexpected therefore that a number of objections have been received from neighbouring residents with regard to the impact on residential amenity and a loss of outlook and view. Whilst the loss of this garden is regrettable it is accepted that some form of development is acceptable in principle, subject to plans complying with the spacing standards in the SPD.

The previous proposal for 5 dwellings on the site was refused by the Council, and later dismissed at appeal. However the Inspector concluded that in terms of residential amenity:- *'I find that the proposals are in accordance with the SPD, in respect of ensuring that layout and design of new housing development must ensure that high standards of privacy, light and outlook are provided for existing and proposed residents, and a requisite 12m separation distance from original habitable room windows. On this matter, I therefore*

*conclude that the impacts of the proposed development would not cause material harm to the living conditions of neighbouring occupants in respect of outlook, privacy and noise and disturbance.'*

The amended scheme proposes 3 detached houses, which are sited in a similar location to the previous scheme for 5 properties. The proposal meets the minimum separation distances between new and existing habitable room windows, and the properties have sufficient garden areas and internal accommodation. In addition the dwellings have been designed as 2 storeys only with an approximate 2m reduction in height to the previous 2½ storey house types; therefore any impact upon adjacent residents is further reduced. As the proposal meets the minimum separation distances set out in the SPD, there should be no significant overlooking or overshadowing impact to the adjacent residents.

Noise and disturbance considerations were also afforded consideration by the Planning Inspector during the previous appeal case. The Inspector considered that *'the development of 5 units, in an area which is exclusively residential, in my view, would not be such a significant intensification of use which would cause material harm to neighbouring occupants in terms of noise and disturbance.'* Based upon the Inspector's findings and as the number of dwellings has been reduced to lessen the effects further there is no objection to the proposal on noise and disturbance grounds.

The other objections raised by neighbouring residents with regard to the age of the neighbouring residents and potential disturbance during construction are unfortunately not material planning considerations, but can be managed by conditions. One resident has raised concerns regarding the land ownership of the area used as a bin storage, however this area of land appears to be within the red-line boundary of the site and the appropriate land ownership certificates have been submitted with the application. Any disputes with regard to boundaries and land ownership are not material considerations.

Overall, in consideration of the Inspector's decision and as the proposal is reduced and meets the guidance given within the SPD, the development is further considered acceptable in terms of residential amenity in compliance with UDP Policy H8D and the Council's Supplementary Planning Document "Designing New Housing".

#### Visual Amenity

In terms of visual amenity, the immediate area features detached dwellings of no more than two storeys in height in fairly spacious plots. The Inspector considered that the previous scheme for the erection of 5, 2½ storey dwelling was not acceptable and 'the introduction of tall dwellings and semi-detached dwellings would not be in-keeping with the consistent two storey height and detached form of properties in the local area. When viewed alongside the majority of development nearby the scheme would therefore be at odds with the prevailing character of the area, particularly when viewed from Roman Road and Kexbrough Drive.'

In response to this, the applicant has now submitted a scheme of 3 detached 2 storey dwellings set within large plots and of a reduced height, in order to compliment the adjacent dwellings in terms of mass and scale. The simple design, scale and layout of the properties are considered to be in keeping with the design of the neighbouring properties and fits in with the pattern of development along Roman Road and Kexbrough Drive. The part demolition of the side attached garage to number 31 and formation of the private driveway between numbers 29 and 31 would not appear at odds with the street scene as the properties are of different house types and are set at angles, with number 29 being set further forward.

Subject to the approval of material samples and submission of a landscaping scheme, the proposal is considered in compliance with the NPPF, Core Strategy policy CSP29, and the Council's Supplementary Planning Document "Designing New Housing."

### Highway Safety

Objections have been raised with regard to the impact of the proposal upon highway safety. The Inspector did not raise concerns with regard to the development of the site for 5 dwellings and the highways section have raised no objection to the proposals for 3 dwellings, subject to conditions. The proposal provides sufficient parking areas for at least 2 cars within each plot and a space within the side attached garages. The private shared driveway allows for the safe turning and manoeuvring of vehicles, and the proposed access has sufficient visibility in each direction. No objection is raised from a highway safety point of view.

### Impact on Trees

Whilst it is regrettable that some of the trees on site have been removed prior to the submission of the application, the Arboricultural Officer has determined that a Tree Preservation Order would not be justified given the defects affecting the trees. In addition he is satisfied that the tree survey provided demonstrates that only low quality trees are to be implicated as part of the proposed development, and as such there is no objection to the tree removals outlined in the tree survey and impact assessment. There will be trees and hedges in close proximity to the proposed new dwellings and as such tree protection measures will need to be provided to ensure they remain unaffected by the proposals. As trees have been removed then replacement planting should be required as part of the proposed landscaping for the scheme. Providing adequate protection for the existing trees and suitable replacement planting can be provided then there is no objection to the proposal.

### Conclusion

The site lies within a Housing Policy area where residential development is normally considered an acceptable form of development. The proposal meets the Council's spacing standards and would not have a significant impact upon the amenity of adjacent residents by way of overlooking, overshadowing, or loss of outlook. The dwellings are of an appropriate design and scale and do not cause significant highways issues. The proposal has therefore been assessed to be an acceptable form of development and is recommended for approval accordingly.

### **Recommendation**

Grant planning permission subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 10 REV A, 11 REV A, 12 REV A) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**
- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 6 Sight lines, having the dimensions 2.0m x the site frontage, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 7 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 600mm above the nearside channel level of the adjacent highway  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- Details of measures to prevent mud/debris from being deposited on the public highway
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**

- 9 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
  - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
  - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

**Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

- 10 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
  - Tree protection plan
  - Arboricultural method statement

**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.**

- 11 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

**Reason: To safeguard existing trees, in the interest of visual amenity.**

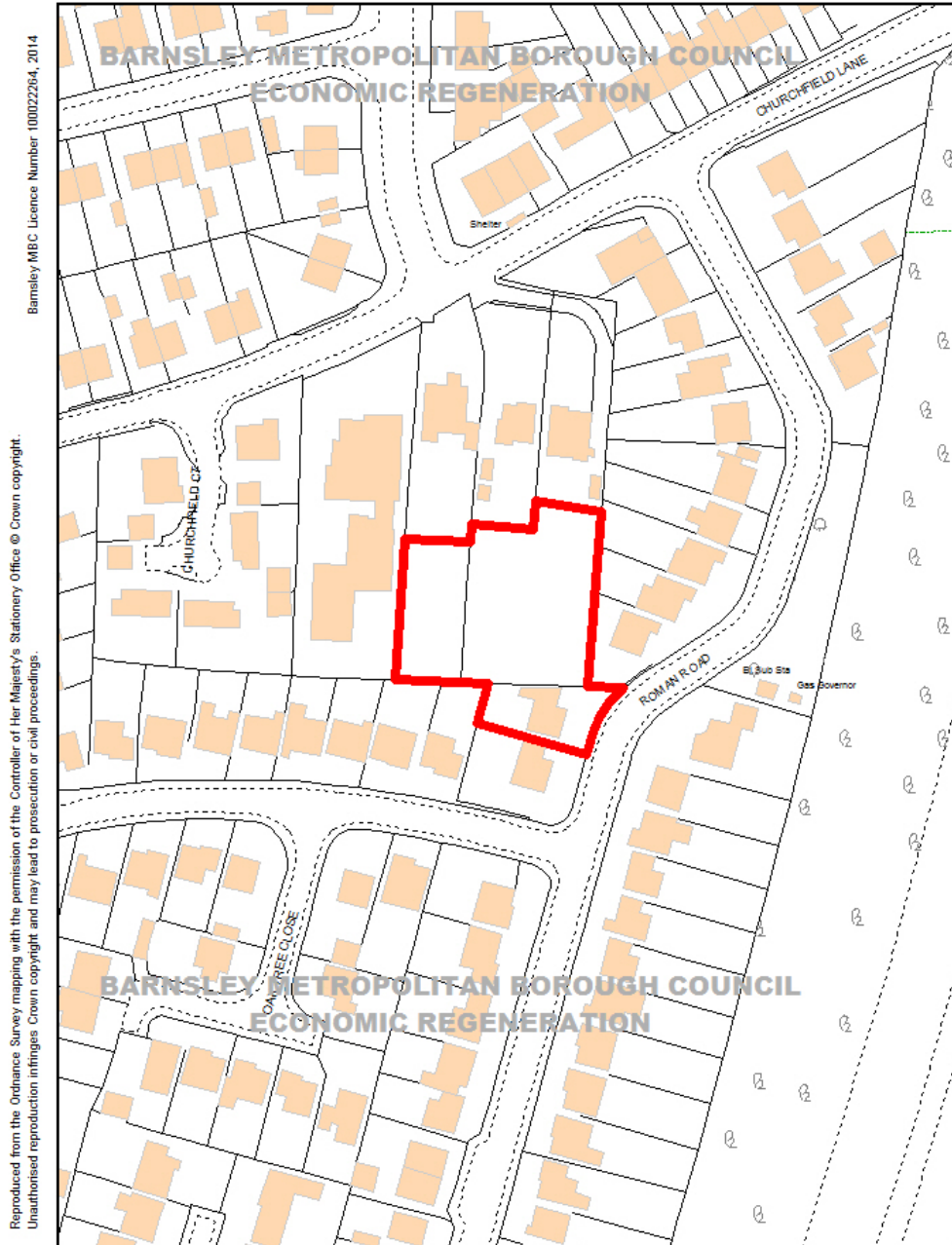
- 12 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

**Reason: In the interests of the visual amenities of the locality.**



PA reference :-

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**BARNESLEY MBC - Economic Regeneration**

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